

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 217

CRM-M-13815-2020 (O&M)

Date of decision : 27.01.2021

Judgebir Singh @ Judge

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ashish Aggarwal, Advocate, for the petitioner.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.161 dated 26.09.2019, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) (Section 29 of the NDPS Act added later on) at Police Station Gharinda, district Amritsar Rural.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated; he is in custody since 28.01.2020; he is not involved in any other criminal case; no recovery has been effected from the petitioner; he is not named in the FIR; the only evidence against him is the disclosure statement of a co-accused in police custody which has no evidentiary value; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the petitioner's trial in which 14 prosecution witnesses still remain to be examined, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner's co-accused who was found in illegal possession

of 1 kg of heroin had stated in his disclosure statement that he had purchased the same from the petitioner.

The evidentiary value of the afore-referred disclosure statement made by the petitioner's co-accused in police custody would be debated during the course of the trial. However, the petitioner has already been in custody since 28.01.2020; he is not involved in any other criminal case; he is not named in the FIR; no recovery is made from him; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and the petitioner's trial in which 14 prosecution witnesses still remain to be examined, is likely to take a long time to conclude, especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

27.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No